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SERVICE DATE - MARCH 12, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 627X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN FLOYD COUNTY, KY

Decided: March 10, 2003

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon an approximately 13.4-mile line of railroad between milepost CON 3.1 at Salisbury and milepost CON 16.5 near Clear Creek Junction, in Floyd County, KY. Notice of the exemption was served and published in the Federal Register on February 11, 2003 (68 FR 6984-85). The exemption is scheduled to become effective on March 13, 2003.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on February 14, 2003. In the EA, SEA stated that the National Geodetic Survey (NGS) has identified five geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommended that CSXT provide NGS with at least 90 days' notice prior to initiation of any salvage operations that may disturb or destroy any of the geodetic station markers so that plans can be made for their relocation. SEA also stated that the Floyd County Floodplain Office (FCFO) has indicated that the proposed abandonment is within the 100-year flood plain; consequently, permits from the State Division of Water may be required. In response to the concerns of the FCFO, SEA recommended that CSXT contact FCFO prior to commencement of any salvage activities concerning possible impacts of abandonment in the 100-year flood plain and appropriate permit coverage. Finally, SEA stated that the Kentucky Heritage Council and State Historical Preservation Office has not completed assessment of the potential impact of this project on historic resources that may be on the right-of-way. Accordingly, SEA recommended that CSXT be required to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). Comments to the EA were due by March 3, 2003. No comments were received. Accordingly, the conditions recommended by SEA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that CSXT shall: (1) provide NGS with at least 90 days' notice prior to initiation of any salvage operations that may disturb or destroy any of the geodetic station markers so that plans can be made for their relocation; (2) contact FCFO prior to commencement of any salvage activities concerning possible impacts of abandonment in the 100-year flood plain and appropriate permit coverage; and (3) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the NHPA.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary